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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,310	07/20/2006	Johannes Maria Van Meurs	NLO40055	9206
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EXAMINER				
A. MINH D				
ART UNIT		PAPER NUMBER		
2821				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,310

Applicant(s)

VAN MEURS ET AL.

Examiner

MINH D. A

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. This is a response to the Applicants' filing on 07/20/06. In virtue of this filing, claims 1-13 are currently presented in the instant application.

Specification

2. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: page 6, line 6, the ratio of the ignition frequency and the normal operating frequency should be about 2,2 or greater, since the ratio should be 2:2 instead 2,2 or greater.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, lines 6-7, the recitation "the oscillating at a first high frequency during ignition of the lamp after its ignition, with the first frequency being

higher than the second frequency by a ratio of at least 2,2" renders the claim indefinite since it is unclear what " the ratio of at least 2, 2" is meant. Clarification is required.

Regarding claims 2 and 8, the recitation " the ratio is in a range of 2, 2, to 7" renders the claim indefinite since it is not understood what kind of ratio can be 2, 2 to 7. Clarification is required.

Regarding claims 3 and 9, the recitation " the ratio is about 5" renders the claim indefinite since it is not understood what kind of the ratio can be 5.

Regarding claims 4-6, 10-13 are rejected under 35 U.S.C. 112, second paragraph, since they are dependent on claims 1 and 7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Rast et al (U.S 6,426,597).

Regarding claim 1, as to the best interpretation, Rast et al disclose in figure 1, a high frequency driver(S1 and S2) for a gas discharge lamp(EL), which is in series with an inductor(L2) and which has a capacitor (C2) is connected in parallel to it, comprising an oscillator(control circuit(S1-S4)) , which has DC input terminals DC voltage (U0) for connecting to a DC source and AC output terminals for connecting to a load comprising

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the lamp(EL), the inductor(L1) and the capacitor(C2), the oscillator (control circuit (S1-S4) for oscillating at a first high frequency during ignition of the lamp and the oscillator(control circuit (S1-S4)) for oscillating at a second high frequency during normal operation of the lamp after its ignition(see abstract and col.4, lines 43-67 to col.5, lines 1-13.

Rast et al do not disclose that, the first frequency is being higher than the second frequency.

However, this difference is not of patentable merit since first frequency being higher than the second frequency instead the second frequency is being higher than the first frequency can be operated with the same required a power supply and the circuit clearly will operate in the same manner regardless of the first and second of frequency. Therefore, to employ the control circuit of Rast et al to control a lamp for a particular frequency for environment or a desired application would have been deemed obvious to a person skilled in the art.

Regarding claim 2, as the best interpretation, Rast et al disclose wherein, the ratio of the magnitudes between the clock frequency is 1000:1. Col.12, lines 65-67 to col.13, lines 1-22.

Regarding claim 3 as the best interpretation, Rast et al disclose wherein, the ratio of the magnitudes between the clock frequency is 1000:1. Col.12, lines 65-67 to col.13, lines 1-22.

Regarding claims 4-5 as the best interpretation, Rast et al do not clearly disclose wherein, the oscillating frequency being frequency modulated with less than 15% of an average of the oscillating frequency.

This difference is not of patentable merit since the control circuit (S1-S4) of Rast could be produce or select the difference frequency(for example high and low frequency) by clock frequency. Col.12, lines 65-67 to col.15, lines 1-13, lines 1-22.

Therefore, to employ the frequency modulated with less than 15% or 7% of the average of the oscillating frequency instead the select or produce the difference frequency up on a particular application or environment of use would have been deemed obvious to a person skilled in the art.

Regarding claim 6, Rast et al disclose wherein, the modulating frequency is derived from an AC supply to the DC source. See figure 3.

Regarding claim 7, as to the best interpretation, Rast et al disclose in figure 1, a high frequency driver(S1 and S2) for a gas discharge lamp(EL), which is in series with an inductor(L2) and which has a capacitor (C2) is connected in parallel to it, comprising an oscillator(control circuit(S1-S4)) , which has DC input terminals DC voltage (U0) for connecting to a DC source and AC output terminals for connecting to a load comprising the lamp(EL), the inductor(L1) and the capacitor(C2), the oscillator (control circuit (S1-S4) for oscillating at a first high frequency during ignition of the lamp and the oscillator(control circuit (S1-S4)) for oscillating at a second high frequency during normal operation of the lamp after its ignition(see abstract and col.4, lines 43-67 to col.5, lines 1-13.

Rast et al do not disclose that, the first frequency is being higher than the second frequency.

However, this difference is not of patentable merit since first frequency being higher than the second frequency instead the second frequency is being higher than the first frequency can be operated with the same required a power supply and the circuit clearly will operate in the same manner regardless of the first and second of frequency. Therefore, to employ the control circuit of Rast et al to control a lamp for a particular frequency for environment or a desired application would have been deemed obvious to a person skilled in the art.

Regarding claim 9, as the best interpretation, Rast et al disclose wherein, the ratio of the magnitudes between the clock frequency is 1000:1. Col.12, lines 65-67 to col.13, lines 1-22.

Regarding claims 10-11 as the best interpretation, Rast et al do not clearly disclose wherein, the oscillating frequency being frequency modulated with less than 15% of an average of the oscillating frequency.

This difference is not of patentable merit since the control circuit (S1-S4) of Rast could be produce or select the difference frequency(for example high and low frequency) by clock frequency. Col.12, lines 65-67 to col.15, lines 1-13, lines 1-22.

Therefore, to employ the frequency modulated with less than 15% or 7% of the average of the oscillating frequency instead the select or produce the difference frequency up on a particular application or environment of use would have been deemed obvious to a person skilled in the art.

Regarding claim 12, Rast et al disclose wherein, the modulating frequency is derived from an AC supply to the DC source. See figure 3.

Regarding claim 13, Rast et al disclose in figure 1, a gas discharge lamp assembly comprising a gas discharge lamp, an inductor (L1) which is in series with the lamp (EL), and a capacitor (C2) which is in parallel to the lamp, a DC supply circuit and a driver according to which is connected in series between the DC supply circuit and the lamp.

Citation of relevant prior art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art Overgoor et al (U.S Patent No: 5, 075, 599) discloses a circuit arrangement.

Prior art De Bijl et al (U.S. Patent No. 4,949,016) discloses a circuit for supplying constant power to a gas discharge lamp.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is

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assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Minh A

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Date 6/2/08

/David Hung Vu/

Primary Examiner,

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